

Program Letter

Division of Environmental and Regulatory Services

Regulations Requiring Specific Containers For Storing and Transporting Motor Fuels

Frequently concerns develop relating to approved or allowable portable containers for motor fuels, primarily when individuals are improvising to accommodate hoarding or “emergency” storage. Many individuals will not consider how product/container material compatibility, container materials stress during transportation and ambient temperature and pressure conditions may impact the overall structural integrity of the container and product. The resulting consequence is the release of migrating flammable vapors or vaporizing flammable liquid with a very low flash point resulting in an explosion and/or fire. For these reasons state regulations place restrictions on what type of containers shall be used to store and transport flammable and combustible liquids.

Three state regulations address flammable and combustible liquid storage containers. The regulations and associated national standards are intended to reduce the risk of storage, transportation and handling accidents (primarily fire and explosion) by requiring proper container color and labeling, along with maintaining container structural integrity and stability through product compatible container material, construction and design, and container capacity.

Wisconsin State Statute, Chapter 168 - Oil Inspection

Section 168.11 (2) No person may deliver, place, receive or store in any visible container any gasoline; any product of petroleum, regardless of name, meeting the gasoline specifications prescribed by the department under [s. 168.04](#); or any product of petroleum commonly or commercially used as a fuel in a spark ignition internal combustion engine or as a fuel for any appliance or device if such product of petroleum has a flash point of less than 100° F when tested in the Tagliabue closed cup tester unless the container is constructed of sound metal or of equally sound nonflammable material meeting the requirements of the department's flammable and combustible liquids code; is substantially a bright red color; and has the common name of the product clearly labeled or painted on it. These requirements do not apply to:

- (a) The fuel supply tank permanently connected to an internal combustion engine;
- (b) The fuel supply tank which is structurally a part of any appliance or device consuming the fuel;
- (c) The first use of any container of one gallon or less originally filled by a manufacturer or packager when the container complies with the packaging and labeling requirements of the federal government and its agencies; or
- (d) Containers of 275 gallons capacity or more. This provision does not exempt such containers from the identification requirements specified in rules promulgated by the department.

Wisconsin Administrative Code Comm 10 – Flammable and Combustible Liquids

Section 10.28 General provisions for sale, purchase, dispensing or use of flammable and combustible liquids.

(1) LABELING. No sale or purchase of any Class I, II or III liquid may be made in containers, unless such containers are clearly marked with the name of the product.

(2) CONTAINERS. (a) A Class I flammable liquid when used in starting an engine or as fuel for a small heating appliance, lighting appliance, power tool or gasoline engine shall be dispensed

only from an approved, properly identified safety can or screwed cover spout can approved for that specific use.

(b) No dispensing of any liquids having a flash point of less than 100° F may be made into portable containers or portable tanks unless such container or tank is substantially a bright red color. The container shall also be either listed or classified by Underwriters Laboratories (UL).

(c) No kerosene, fuel oil or similar liquids having a flash point of 100° F or more may be filled into any portable container or portable tank colored red.

Note: The Comm 10 Code adopts the National Standard NFPA 30 – Flammable and Combustible Liquids Code and NFPA 30A – Motor Fuel Facility Dispensing and Repair Garages. Chapter 4 of NFPA 30 includes more detailed container specifications. Chapter 9 of NFPA 30A includes additional operational and dispensing requirements.

Wisconsin Administrative Code Comm 48 – Petroleum Products

Section 48.10 (2) STORAGE CONTAINERS. All containers for storing gasoline shall be metal or materials meeting the standards

approved by the department and all containers shall be labeled and colored red. These requirements do not apply to the following:

(a) *Exception No. 1.* Fuel supply tanks connected to internal combustion engines, appliances or any device consuming the fuel.

(b) *Exception No. 2.* Any container holding one gallon or less of a petroleum product, which was filled originally by a manufacturer or a packager, and which complies with the federal standards for packaging and labeling.

(c) *Exception No. 3.* Kerosene, diesel fuel, burner fuel oils and similar products of petroleum with a flash point of 100° F (38° C) or greater shall not be stored in any container colored red.

(d) *Exception No. 4.* Containers having a capacity of 275 gallons or more.

Current state regulations do not limit the number of portable containers that may be transported, however, state and federal Department of Transportation regulations include vehicle placarding requirements based upon product classification and weight.

For additional information contact:

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or

The Bureau of Storage Tank Regulation (608) 266-0956

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